

REMARKS

The present application includes claims 1-3, 6-9, and 11-27. Claims 1-3, 6, and 25-27 were rejected. Claims 7-9 were objected to. Claims 11-24 were allowed. By this Amendment, claim 1 has been amended.

Claims 1-3 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zahn et al. (U.S. Patent No. 4,534,471) in view of Collins et al. (U.S. Patent No. 6,613,053).

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zahn in view of Collins and in further view of DiVincenzon (U.S. Patent No. 7,763,855).

Claims 7-9 were objected to as being dependent upon a rejected base claim.

Claims 11-24 were allowed.

The Applicants now turn to the rejection of claims 1-3 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Zahn in view of Collins. Zahn relates to a clip for holding rubber snaps and a rack for holding a plurality of such clips. See COL. 1, LL. 15-17. Collins, on the other hand, relates to a surgical implant, and more particularly, a cervical plate assembly for stabilizing the cervical spine. See COL. 1, LL. 3-5. Claim 1 has been amended to recite “an inner member snap-fitted within the outer member, ..., wherein the outer member rotates about the inner member after the inner member is snap-fitted within the outer member” (emphasis added). In the Office Action mailed on November 16, 2007, the Examiner stated that Zahn discloses all of the limitations of the claimed invention except for the snap-fit connection. Additionally, the Examiner stated that Collins discloses the snap-fit connection. Collins discloses portion 20a of bore 20 in screw 14 has annular groove 30 to receive annular rib 31 on head 15a of plug 15 as a snap-fit, but screw 14 does not rotate

about plug 15. See COL. 3, LL. 2-4; see also FIG. 3. In fact, Collins teaches away from such rotation. Specifically, Collins provides that the prior art fastening devices suffer from “loosening and screw pull out leading to failure.” See COL. 1, LL. 17-22. To overcome the shortcomings of the prior art fastening devices, Collins provides:

In order to fix the cervical plate assembly to the cervical spine, the outer screws 14 are screwed into bone through the apertures 11 by a known tubular screw driver until the head 18 of the screw 14 abuts the ledge 17 in the aperture and the ribs 24 snap fitably engage in the groove 16. The plug 15 is then inserted and screwed into place by a hexagonal screw driver inserted through the tubular screw driver, the latter acting as a guide and preventing the screw 14 from turning during insertion of the plug 15. When the plug 15 is fully in place, the head 15a of the plug is a close fit in the portion 20a of the bore 20 in the screw and this prevents contraction of the head 18 of the screw thereby preventing the ribs 24 disengaging from the groove 16. Also, the expansion element 15c expands the tip of the screw 13 to improve the overall fixation and prevent pull out of the fastening devices.

See COL. 2, LL. 47-61; see also FIGS. 1-3 (emphasis added). Thus, none of Zahn and Collins teach or suggest “an inner member snap-fitted within the outer member, ..., wherein the outer member rotates about the inner member after the inner member is snap-fitted within the outer member,” as recited in claim 1 (emphasis added). Therefore, the Applicants respectfully submit that the rejection of claim 1 as being unpatentable over Zahn in view of Collins has been overcome, and that claim 1 is in condition for allowance.

Claims 2, 3, and 25-27 depend from independent claim 1. As described above, claim 1 is in condition for allowance. Therefore, the Applicants respectfully submit that the rejection of claims 2, 3, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Zahn in view of Collins has been overcome, and that claims 2, 3, and 25-27 are in condition for allowance.

The Applicants now turn to the rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Zahn in view of Collins and in further view of DiVincenzon. DiVincenzon relates

to devices for holding and arranging a plurality of floss bobbins. See COL. 1, LL. 6-7. However, DiVincenzon does not overcome the shortcomings of Zahn and Collins. Specifically, DiVincenzon does not teach or suggest “an inner member snap-fitted within the outer member, ..., wherein the outer member rotates about the inner member after the inner member is snap-fitted within the outer member,” as recited in claim 1. Moreover, a combination of Zahn, Collins, and DiVincenzon similarly fails to teach or suggest “an inner member snap-fitted within the outer member, ..., wherein the outer member rotates about the inner member after the inner member is snap-fitted within the outer member,” as recited in claim 1. Claim 6 depends from independent claim 1. As described above, claim 1 is in condition for allowance. Therefore, the Applicants respectfully submit that the rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Zahn in view of Collins and in further view of DiVincenzon has been overcome, and that claim 6 is in condition for allowance.

The Applicants now turn to the objection to claims 7-9 as being dependent upon a rejected base claim. Claims 7-9 depend from independent claim 1. As described above, claim 1 is in condition for allowance. Therefore, the Applicants respectfully submit that the objection to claims 7-9 as being dependent upon a rejected base claim has been overcome, and that claims 7-9 are in condition for allowance.

The Applicants would like to thank the Examiner for allowing claims 11-24.

Accordingly, for the reasons stated above, the Applicants respectfully submit that claims 1-3, 6-9, and 11-27 are in condition for allowance.

CONCLUSION

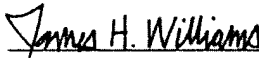
The Applicants respectfully submit that the claims of the present application are in condition for allowance.

If the Examiner has any questions or the Applicants may be of any assistance, the Examiner is invited and encouraged to contact the Attorney for Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account No. 16-0228.

Respectfully submitted,

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